

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
 )  
VALENTINO ANDRES, M.D. )  
Certificate No. G 14923 )  
 )  
Respondent. )  
\_\_\_\_\_ )

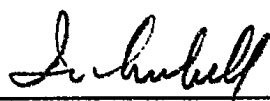
No. D-4741

DECISION

The attached Stipulation in Settlement is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on November 15, 1995.

IT IS SO ORDERED October 16, 1995.

By:   
IRA LUBELL, M.D.  
Chairperson, Panel A  
Division of Medical Quality

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
 )  
VALENTINO ANDRES, M.D. )  
Certificate No. G 14923 )  
 )  
Respondent. )  
\_\_\_\_\_ )

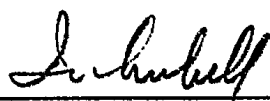
No. D-4741

DECISION

The attached Stipulation in Settlement is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on November 15, 1995.

IT IS SO ORDERED October 16, 1995.

By:   
IRA LUBELL, M.D.  
Chairperson, Panel A  
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 ROBERT C. MILLER  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P. O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 324-5161

6 Attorneys for Complainant  
7

8 BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the ) No. D-4741  
12 Accusation Against: )  
 ) STIPULATION IN SETTLEMENT  
13 VALENTINO ANDRES, M.D. )  
1134 Plumas Street )  
14 Yuba City, CA 95991 )  
 )  
15 Physician's and Surgeon's )  
Certificate No. G-14923 )  
16 )  
17 Respondent. )

18  
19 Respondent Valentino Andres, M.D., through his  
20 attorney, Robert J. Sullivan, and the Medical Board of  
21 California, Division of Medical Quality, through its counsel  
22 Deputy Attorney General Robert C. Miller, do hereby enter into  
23 the following stipulation:

- 24 1. Thomas Heerhartz, former acting Executive Director  
25 of the Medical Board of California (hereinafter "Board") filed  
26 amended accusation number D-4741 solely in his official capacity.  
27 2. On August 10, 1968, the Board issued physician's

1 and surgeon's certificate number G-14923 to Valentino Andres  
2 (hereinafter "respondent"). The certificate was in full force  
3 and effect at all times pertinent herein.

4 3. Respondent has read and understands the charges  
5 contained in the Amended Accusation. Respondent understands that  
6 said charges, if found to be true, constitute cause for  
7 disciplinary action.

8 4. Respondent understands that he has a right to a  
9 hearing on the charges contained in the Amended Accusation, to  
10 reconsideration, to appeal, and to any and all rights accorded  
11 him by the Administrative Procedure Act and Code of Civil  
12 Procedure. Respondent hereby freely and voluntarily waives those  
13 rights in order to enter into this stipulation as a resolution of  
14 the pending Amended Accusation against him.

15 5. It is expressly understood by the parties that the  
16 admissions made herein are for the purposes of this proceeding or  
17 other proceeding before the Board and may not be used for any  
18 other purpose.

19 6. Subject to the proviso in item 5 above, respondent  
20 admits that the allegations contained in paragraph 6B of the  
21 Amended Accusation are true in that on April 14, 1992, respondent  
22 was convicted by no contest plea of violating section 729,  
23 subdivision (a) of the Business and Professions Code, sexual  
24 exploitation by a psychotherapist. Respondent specifically  
25 denies all other allegations in the accusations, but does admit  
26 that those allegations, if found to be true, do constitute  
27 grounds for this disciplinary order. The allegations which

1 respondent denies in the Amended Accusation were also the subject  
2 of criminal charges against respondent. Respondent was twice  
3 tried on those charges, with both trials resulting in hung  
4 juries. After the second trial, the Superior Court Judge of  
5 Sutter County dismissed all charges against respondent in the  
6 interests of justice.

7           7. Based on the waivers and admissions made herein,  
8 the Division of Medical Quality of the Board may issue the  
9 following decision:

10           Physician's and surgeon's certificate number G-14923,  
11 heretofore issued to Valentino Andres, M.D., is hereby revoked;  
12 provided, however, that said revocation is stayed, and respondent  
13 is placed on probation for a period of seven (7) years upon the  
14 following terms and conditions:

15           A. Within 15 days after the effective date of this  
16 decision the respondent shall provide the Division, or its  
17 designee, proof of service that respondent has served a true copy  
18 of this decision on the Chief of Staff or the Chief Executive  
19 Officer at every hospital in California where privileges or  
20 membership are extended or where respondent is employed to  
21 practice medicine and on the Chief Executive Officer at every  
22 insurance carrier where malpractice insurance coverage is  
23 extended.

24           B. As part of probation, respondent is suspended from  
25 the practice of medicine until December 15, 1995. Respondent's  
26 license was suspended on an interim basis on November 12, 1992,  
27 and respondent has been suspended from the practice of medicine

1 since that date. When respondent's suspension is lifted on  
2 December 15, 1995, his total period of suspension will have been  
3 three years, thirty-three days.

4 C. Within 60 days of the effective date of this  
5 decision, respondent shall enroll in a course in Ethics approved  
6 in advance by the Division or its designee, and shall  
7 successfully complete the course during the first year of  
8 probation.

9 D. Within 30 days of the effective date of this  
10 decision, and on a periodic basis thereafter as may be required  
11 by the Division or its designee, respondent shall undergo a  
12 psychiatric evaluation (and psychological testing, if deemed  
13 necessary) by a Division-appointed psychiatrist, who shall  
14 furnish an evaluation report to the Division or its designee.  
15 The respondent shall pay the cost of the psychiatric evaluation.

16 If respondent is required by the Division or its  
17 designee to undergo psychiatric treatment, respondent shall  
18 within 30 days of the requirement notice submit to the Division  
19 for its prior approval the name and qualifications of a  
20 psychiatrist of respondent's choice. Respondent shall undergo  
21 and continue psychiatric treatment until further notice from the  
22 Division or its designee. Respondent shall have the treating  
23 psychiatrist submit quarterly status reports to the Division or  
24 its designee indicating whether the respondent is capable of  
25 practicing medicine safely.

26 Respondent shall not engage in the practice of medicine  
27 in California until notified by the Division or its designee of

1 its determination that respondent is mentally fit to practice  
2 safely.

3           E.    Within 30 days of the effective date of this  
4 decision, respondent shall submit to the Division or its designee  
5 for its prior approval a plan of practice in which respondent's  
6 practice shall be monitored by another physician in respondent's  
7 field of practice, who shall provide periodic reports to the  
8 Division or its designee.

9           If the monitor resigns or is no longer available,  
10 respondent shall, within 15 days, move to have a new monitor  
11 appointed, through nomination by respondent and approval by the  
12 Division or its designee.

13           Respondent is prohibited from engaging in solo practice  
14 in California.

15           F.    During probation, respondent shall have a third  
16 party present while examining or treating female patients.  
17 Respondent shall, prior to returning to practice, submit to the  
18 Division or its designee name(s) of persons who will act as the  
19 third party present. The respondent shall execute a release  
20 authorizing the third party(s) present to divulge any information  
21 that the Board may request during interviews by the probation  
22 monitor on a periodic basis.

23           G.    Respondent shall obey all federal, state and local  
24 laws, and all rules and orders governing the practice of medicine  
25 in California.

26           H.    Respondent shall submit quarterly declarations  
27 under penalty of perjury on forms provided by the Division,

1 stating whether there has been compliance with all the conditions  
2 of probation.

3 I. Respondent shall comply with the Division's  
4 probation surveillance program. Respondent shall, at all times,  
5 keep the Division informed of his addresses of business and  
6 residence which shall both serve as addresses of record. Changes  
7 of such addresses shall be immediately communicated in writing to  
8 the Division. Under no circumstances shall a post office box  
9 serve as an address of record.

10 J. Respondent shall appear in person for interviews  
11 with the Division, its designee or its designated physician(s)  
12 upon request at various intervals and with reasonable notice.

13 K. In the event respondent should leave California to  
14 reside or to practice outside the State or for any reason should  
15 respondent stop practicing medicine in California, respondent  
16 shall notify the Division or its designee in writing within ten  
17 days of the dates of departure and return or the dates of non-  
18 practice within California. Non-practice is defined as any  
19 period of time exceeding thirty days in which respondent is not  
20 engaging in any activities defined in Sections 2051 and 2052 of  
21 the Business and Professions Code. All time spent in an  
22 intensive training program approved by the Division or its  
23 designee shall be considered as time spent in the practice of  
24 medicine. Periods of temporary or permanent residence or  
25 practice outside California or of non-practice within California,  
26 as defined in this condition, will not apply to the reduction of  
27 the probationary period.



1 L. Upon successful completion of probation,  
2 respondent's certificate shall be fully restored.

3 M. If respondent violates probation in any respect,  
4 the Division, after giving respondent notice and the opportunity  
5 to be heard, may revoke probation and carry out the disciplinary  
6 order that was stayed. If an accusation or petition to revoke  
7 probation is filed against respondent during probation, the  
8 Division shall have continuing jurisdiction until the matter is  
9 final, and the period of probation shall be extended until the  
10 matter is final.

11 N. The respondent is hereby ordered to reimburse the  
12 Division for its investigative costs in the amount of \$5,000  
13 payable at the rate of \$500 per month commencing April 15, 1996.  
14 Failure to reimburse the Division's cost of its investigation  
15 shall constitute a violation of the probation order, unless the  
16 Division agrees in writing to change the payment plan because of  
17 financial hardship. The filing of bankruptcy by the respondent  
18 shall not relieve the respondent of his responsibility to  
19 reimburse the Division for its investigative costs.

20 O. Following the effective date of this probation, if  
21 respondent ceases practicing due to retirement, health reasons or  
22 is otherwise unable to satisfy the terms and conditions of  
23 probation, respondent may voluntarily tender his certificate to  
24 the Board. The Division reserves the right to evaluate the  
25 respondent's request and to exercise its discretion whether to  
26 grant the request, or to take any other action deemed appropriate  
27 and reasonable under the circumstances. Upon formal acceptance

1 of the tendered license, respondent will no longer be subject to  
2 the terms and conditions of probation.

3 8. This Stipulation in Settlement may not be  
4 withdrawn or repudiated by either party prior to the Board's  
5 formal decision to either adopt or reject this proposed  
6 settlement.

7 9. If this stipulation is not adopted by the  
8 Division, it shall have no force or effect on any party.

9 DATED: 10/22/95

10 DANIEL E. LUNGREN, Attorney General  
11 of the State of California  
12 JANA L. TUTON  
13 Supervising Deputy Attorney General

14 

15 ROBERT C. MILLER  
16 Deputy Attorney General

17 Attorneys for Complainant

18 DATED: 16 June 1995

19   
20 VALENTINO ANDRES, M.D.

21 Respondent

22 DATED: 16 June 95

23   
24 ROBERT J. SULLIVAN

25 Attorney for Respondent  
26  
27

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 ROBERT C. MILLER  
Deputy Attorney General  
4 1515 K Street, Suite 511  
P. O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 324-5161

6 Attorneys for Complainant  
7

8 BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the ) No. D-4741  
12 Accusation Against: )  
13 VALENTINO ANDRES, M.D. ) AMENDED ACCUSATION  
14 1134 Plumas Street )  
Yuba City, CA 95991 )  
15 Physician's and Surgeon's )  
16 Certificate No. G-14923 )  
17 Respondent. )

18 Thomas Heerhartz, the complainant herein, alleges as  
19 follows:

- 20 1. He is the Acting Executive Director of the Medical  
21 Board of California and makes and files this accusation in his  
22 official capacity as such and not otherwise.
- 23 2. On or about August 10, 1968, respondent Valentino  
24 Andres, M.D. (hereinafter "respondent") was issued physician's  
25 and surgeon's certificate No. G-14923 under the laws of the State  
26 of California. This certificate is current and will expire on  
27 August 31, 1993, if not renewed.

1 3. Section 2234 of the Business and Professions Code  
2 (hereinafter "the Code") provides that the Division of Medical  
3 Quality of the Medical Board of California shall take action  
4 against a holder of a physician and surgeon's certificate who is  
5 guilty of unprofessional conduct.

6 4. Section 726 of the Code provides, in pertinent  
7 part, that the "commission of any act of sexual abuse,  
8 misconduct, or relations with a patient . . . which is  
9 substantially related to the qualifications, functions or duties  
10 of the occupation for which a license was issued constitutes  
11 unprofessional conduct and grounds for disciplinary  
12 action. . . ."

13 5. Section 2236, subdivision (a) of the Code  
14 provides, in pertinent part that "the conviction of any offense  
15 substantially related to the qualifications, functions, or duties  
16 of a physician and surgeon constitutes unprofessional  
17 conduct. . . ."

18 K.J.

19 6. Beginning in or around 1985 and ending in or  
20 around November, 1991, respondent was the treating psychiatrist  
21 for K.J.<sup>1</sup> at respondent's private psychiatric practice in Yuba  
22 City, California.

23 Respondent is subject to disciplinary action for  
24 unprofessional conduct pursuant to sections 726 and 2236 of the  
25 Code as more particularly alleged as follows:

26  
27 1. All patients will be referred to herein by initials.  
Disclosure of their names will be provided to respondent pursuant  
to a timely request for discovery.

1           A.   Beginning in or around April, 1991, and continuing  
2 until November, 1991, respondent committed unprofessional conduct  
3 in violation of section 726 by engaging in numerous acts of  
4 sexual misconduct with K.J. which included sexual intercourse,  
5 oral copulation, and attempted sodomy.

6           B.   On April 14, 1992, in Sutter County Municipal  
7 Court, respondent pled no contest to one count of violating  
8 section 729, subdivision (a) of the Business and Professions  
9 Code, sexual exploitation by a psychotherapist.

10                           D.C.

11           7.   D.C. was respondent's psychotherapy patient in  
12 1975 through 1976. Respondent committed unprofessional conduct  
13 in violation of section 726 by having D.C. remove her clothing  
14 from the waist up so that respondent could check her heart rate.

15                           H.O.

16           8.   H.O. was respondent's psychotherapy patient from  
17 1984 and 1985. Respondent committed unprofessional conduct in  
18 violation of section 726 by having H.O. remove her clothing so  
19 that respondent could check her heart rate, and by fondling  
20 H.O.'s nipples under her bra.

21                           K.P.

22           9.   K.P. was respondent's psychotherapy patient from  
23 January 1989 to September 1990. Respondent committed  
24 unprofessional conduct in violation of section 726 by engaging in  
25 the following acts:

26           A.   Respondent had K.P. disrobe so that he could check  
27 her heart rate and blood pressure.

1 B. Respondent gave K.P. pelvic and vaginal exams and  
2 fondled her breasts.

3 C. Respondent would give K.P. injections of  
4 medication and would then engage K.P. in acts of sexual  
5 intercourse.

6 L.K.

7 10. L.K. was respondent's psychotherapy patient in  
8 1974. Respondent committed unprofessional conduct in violation  
9 of section 726 by subjecting L.K. to breast and pelvic  
10 examinations.

11 D.P.

12 11. D.P. was respondent's psychotherapy patient from  
13 1984 to 1989. Respondent committed unprofessional conduct in  
14 violation of section 726 by engaging in sexual acts with D.P.  
15 which included sexual intercourse and oral copulation.

16 S.T.

17 12. S.T. was respondent's psychotherapy patient from  
18 April 1990 to approximately April 1992. Respondent committed  
19 unprofessional conduct in violation of section 726 by having S.T.  
20 disrobe from the waist up to check her heart rate and blood  
21 pressure and by fondling her breasts.

22 WHEREFORE complainant prays that the Division of  
23 Medical Quality hold a hearing on the matters alleged herein and  
24 following said hearing issue a decision:

25 1. Suspending or revoking the license issued to  
26 respondent Valentino Andres, M.D.

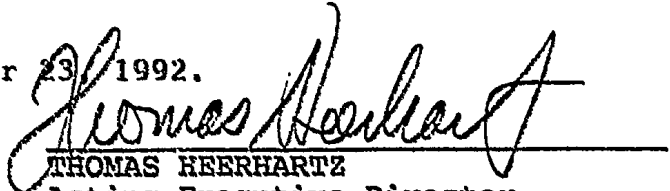
27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

2. Prohibiting respondent from supervising a physician's assistant; and

3. Taking such other and further action as may be proper.

DATED: November 23, 1992.



THOMAS HEERHARTZ  
Acting Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California